

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Appeal No.232 of 2007
In
Chamber Summons No.1106 of 2006
In
Suit No.1455 of 2004

Mahendra Jayantilal Vora & Ors. .. Appellants

Vs.

Aditya Enterprises & Ors. .. Respondents

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S/Shri Milind Vasudeo i/b Y.R.Shah for the appellants.

Shri Gaurav Kothari i/b Kanga & Co. for the
respondent Nos.1 to 3.

Shri H.C.Mehta with Ms S.H.Jain i/b M/s.Mehta & Co.
for the respondent Nos.16 to 18.

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WITH

Appeal No.233 of 2007
In
Chamber Summons No.1104 of 2006
In
Suit No.1455 of 2004

Mahendra Jayantilal Vora & Ors. .. Appellants

Vs.

Aditya Enterprises & Ors. .. Respondents

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S/Shri Milind Vasudeo i/b Y.R.Shah for the appellants.

Shri Gaurav Kothari i/b Kanga & Co. for the
respondent Nos.1 to 3.

Shri H.C.Mehta with Ms S.H.Jain i/b M/s.Mehta & Co.
for the respondent Nos.16 and 17.

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WITH

Appeal No.243 of 2007
In
Chamber Summons No.1105 of 2006
In
Suit No.1455 of 2004

Mahendra Jayantilal Vora & Ors. .. Appellants

Vs.

Aditya Enterprises & Ors. .. Respondents

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S/Shri Milind Vasudeo i/b Y.R.Shah for the appellants.

Shri Gaurav Kothari i/b Kanga & Co. for the
respondent Nos.1 to 3.

Shri H.C.Mehta with Ms S.H.Jain i/b M/s.Mehta & Co.
for the respondent Nos.16.

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CORAM : R.M.S.KHANDEPARKAR &
D.G.KARNIK, JJ

DATED : 25TH JUNE, 2007

P.C.

1. Since common questions of law and facts arise
in these appeals, they were heard together and are
being disposed of by this common order.

2. Heard. By the impugned orders the

applications filed by the respondents/applicants before the learned Single Judge have been allowed as they have been considered as the proper parties to the suit. Those applicants have stated in their applications that they have purchased the shop premises in the building which is being constructed in the property which is the subject matter of suit. By the impugned orders, apart from giving an opportunity to the applicants before the learned Single Judge of being heard in the matters, neither any right of the parties to the matter in dispute nor any issue relating to the subject matter of a suit has been decided, and therefore, the impugned orders cannot be said to be "judgment" within the meaning of the said expression under Clause 15 of the Letters Patent, and therefore, no appeal lies against the impugned orders. On this count alone, the appeals are rejected.

(R.M.S.KHANDEPARKAR, J)

(D.G.KARNIK, J)